



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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05-13-01  
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In re application of

Takayuki WATANABE et al.

Serial No. 09/492,137

Filed January 27, 2000

Docket No.2000\_0044A

Group Art Unit 1761

Examiner H. Mai

EDIBLE POWDER MATERIAL HAVING  
EXCELLENT SHELF STABILITY

RECEIVED

MAY 10 2001

TC 1700

RESPONSE

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

Responsive to the Office Action of April 6, 2001, constituting a restriction requirement between (I) claims 1-10, 12 and 13, and (II) claim 11, Applicants hereby elect the subject matter of claims 1-10, 12 and 13, with traverse.

In response to the requirement for an election of species as set forth in item 5 of the Office Action, Applicants elect claims 1-10 and 12 drawn to a food product, with traverse.

Upon allowance of the elected claims, Applicants should be given an opportunity, if they so desire, to rejoin claim 11, since claim 11 is directed to a method for preparing the powder composition of elected claim 1.

These elections are made while reserving Applicants' rights under 35 U.S.C. § 121 to file a divisional application for the non-elected subject matter.

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0078

Action on the merits is requested.

Respectfully submitted,

Takayuki WATANABE et al.

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